

THURSDAY, MAY 31, 2001
FORTY-FIFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Pinion; personal reasons.

Representative Turner (Hamilton); personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1184: Rep(s). S. Jones, Towns and Cooper as prime sponsor(s).

House Bill No. 1395: Rep(s). Walker as prime sponsor(s).

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House Bill No. 1466: Rep(s). Williams, S. Jones, Shepard, Briley and Fitzhugh as prime sponsor(s).

House Bill No. 1548: Rep(s). Buck as first prime sponsor(s).

House Bill No. 1555: Rep(s). U. Jones as prime sponsor(s).

House Bill No. 1624: Rep(s). Walker as prime sponsor(s).

ENGROSSED BILLS

May 30, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 30, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 70, 110, 623, 1133, 1235, 1242, 1383, 1402, 1955, 2001, 2003, 2007, 2008, 2009, 2010, also, House Joint Resolution(s) No(s). 151, 158, 196, 298, 375, 388, 390, 391, 392, 393, 394, 395, 398, 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427, 428, 429, 430, 431 and 432; with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 30, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 53, 871, 983, 1276, 1499, 1543, 1565, 1875; also, Senate Joint Resolution(s) No(s). 134, 155, 343, 345, 346, 347, 351, 352, 353, 354, 377, 378, and 384 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 30, 2001

The Speaker signed the following: Senate Bill(s) No(s). 53, 871, 983, 1276, 1499, 1543, 1565, 1875; also, Senate Joint Resolution(s) No(s). 134, 155, 343, 345, 346, 347, 351, 352, 353, 354, 377, 378, and 384.

ENROLLED BILLS

May 30, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 310, 409, 545, 655, 743, 895, 1038, 2005, 2014, 2015; House Joint Resolution(s) No(s). 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473; also, House Resolution(s) No(s). 83, 131, 132, 133, 134, 135, 136, 137, 138 and 139.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 30, 2001

The Speaker signed the following: House Bill(s) No(s). 310, 409, 545, 655, 743, 895, 1038, 2005, 2014, 2015; House Joint Resolution(s) No(s). 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473; also, House Resolution(s) No(s). 83, 131, 132, 133, 134, 135, 136, 137, 138 and 139.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 30, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 310, 409, 545, 655, 743, 895, 1038, 2005, 2014, 2015; also, House Joint Resolution(s) No(s). 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472 and 473; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 30, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 310, 409, 545, 655, 743, 895, 1038, 2005, 2014, 2015; also, House Joint Resolution(s) No(s). 433, 435, 436, 437, 438, 439, 440, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 375 and 376; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 375 -- Memorials, Death - Clayton F. Slagle. by *Crowe.

Senate Joint Resolution No. 376 -- Memorials, Public Service - Boys Club of Oak Ridge, recipient of Honor Award for Program Excellence in Education and Career Development. by *McNally, *Davis L, *Williams.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 399; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 399 -- Memorials, Personal Achievement - Michael Roper. by *Person, *Cohen, *Dixon, *Kyle, *Norris, *Person.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 393, 394, 395, 396, 397 and 398; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 393 -- Memorials, Academic Achievement - Alisha Hooker, Valedictorian, Shelbyville Central High School. by *Trail.

Senate Joint Resolution No. 394 -- Memorials, Academic Achievement - Jennifer Feldhaus, Salutatorian, Shelbyville Central High School. by *Trail.

Senate Joint Resolution No. 395 -- Memorials, Academic Achievement - Brandi Schmidt, Salutatorian, Community High School. by *Trail.

Senate Joint Resolution No. 396 -- Memorials, Academic Achievement - Mark Simmons, Valedictorian, Community High School. by *Trail.

Senate Joint Resolution No. 397 -- Memorials, Academic Achievement - Andrew Coleman, Salutatorian, Cascade High School. by *Trail.

Senate Joint Resolution No. 398 -- Memorials, Academic Achievement - Marianna Rucker, Valedictorian, Cascade High School. by *Trail.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 392; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 392 -- Memorials, Personal Occasion - Alvin and Ruth Burnett, 50th wedding anniversary. by *Burchett, *Atchley.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 4, 2001:

House Resolution No. 140 -- Memorials, Personal Occasion - A.E."Bill" and Betty Jean Johnson, 50th wedding anniversary. by *Patton.

House Resolution No. 141 -- Memorials, Personal Occasion - Mr. and Mrs. C. Reece Teague, 50th wedding anniversary. by *Patton.

House Joint Resolution No. 522 -- Memorials, Personal Occasion - Joseph Smelser, 90th birthday. by *Boyer.

House Joint Resolution No. 523 -- Memorials, Sports - 2001 Chattanooga Christian School Soccer Team, TSSAA State Champions. by *Clem.

House Joint Resolution No. 524 -- Memorials, Sports - 2001 Chattanooga Christian School girls' tennis team, TSSA A Class A-AA state champions. by *Clem.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 4, 2001:

Senate Joint Resolution No. 375 -- Memorials, Death - Clayton F. Slagle. by *Crowe.

Senate Joint Resolution No. 376 -- Memorials, Public Service - Boys Club of Oak Ridge, recipient of Honor Award for Program Excellence in Education and Career Development. by *McNally, *Davis L, *Williams.

Senate Joint Resolution No. 392 -- Memorials, Personal Occasion - Alvin and Ruth Burnett, 50th wedding anniversary. by *Burchett, *Atchley.

Senate Joint Resolution No. 393 -- Memorials, Academic Achievement - Alisha Hooker, Valedictorian, Shelbyville Central High School. by *Trail.

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Senate Joint Resolution No. 394 -- Memorials, Academic Achievement - Jennifer Feldhaus, Salutatorian, Shelbyville Central High School. by *Trail.

Senate Joint Resolution No. 395 -- Memorials, Academic Achievement - Brandi Schmidt, Salutatorian, Community High School. by *Trail.

Senate Joint Resolution No. 396 -- Memorials, Academic Achievement - Mark Simmons, Valedictorian, Community High School. by *Trail.

Senate Joint Resolution No. 397 -- Memorials, Academic Achievement - Andrew Coleman, Salutatorian, Cascade High School. by *Trail.

Senate Joint Resolution No. 398 -- Memorials, Academic Achievement - Marianna Rucker, Valedictorian, Cascade High School. by *Trail.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2025 -- Loudon - Subject to local approval, authorizes city to establish pilot project for development assistance. by *Johnson.

House Bill No. 2026 -- Giles County - Subject to local approval, establishes Southern Water Authority. by *Fowlkes.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 667 -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by *Jackson. (*HB147 by *Odom)

***Senate Bill No. 733** -- Education - Limits age ranges of instructional groups to range not to exceed 36 months for special education purposes; requires state board of education to set class size standards and case load standards for instructional personnel; severity of disability shall be weighing factor. Amends TCA Section 49-6-3110 and Section 49-1-104. by *Graves. (HB1599 by *McDonald, *Davis (Cocke), *Sands, *Shepard, *Shaw, *Hood, *Towns, *Winningham)

***Senate Bill No. 992** -- Victims' Rights - Qualifies bar against present claim under victim compensation act that injury occurred while victim was willing passenger in vehicle driven by intoxicated driver to require that victim must know that driver was intoxicated. Amends TCA Title 29, Chapter 13, Part 1. by *Henry. (HB900 by *Buck)

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***Senate Bill No. 1002** -- Mental Illness - Redefines "state employee" to add employer of community-based screening agencies for purposes of mental health law in defense counsel statute. Amends TCA Title 8; Title 9 and Title 33. by *Crowe. (HB1205 by *Westmoreland, *Patton)

***Senate Bill No. 1318** -- Foster Care - Revises department of children's services annual report requirements. Amends TCA Title 36 and Title 37. by *Graves. (HB1719 by *DeBerry L)

Senate Bill No. 1804 -- Tennessee Regulatory Authority - Directs TRA to develop program to increase access to educational technology by underserved school-age children. Amends TCA Title 65. by *Dixon, *Burks. (*HB1286 by *Armstrong, *Tindell)

Senate Bill No. 1988 -- Fayette County - Subject to local approval, authorizes imposition of adequate facilities tax. by *Wilder. (HB2024 by *Fitzhugh, *Naifeh)

***Senate Bill No. 1989** -- Fayette County - Authorizes levy of fire protection fee in lieu of fire tax authorized pursuant to Section 5-17-106. Amends TCA Title 5, Chapter 17, Part 1. by *Wilder. (HB2023 by *Fitzhugh, *Naifeh)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2023 -- Fayette County -- House Finance, Ways and Means Committee

House Bill No. 2024 -- Fayette County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 30, 2001**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1081, 1095, 1205, 559, 1184, 1555, 1527, Senate Bill(s) No(s). 1673, also House Bill(s) No(s). 2006, 974, 976, 75 and 648 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 31, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar** for **May 31, 2001**: House Bill(s) No(s). 1081, 1095, 1184, 1555, 2006, 1527, 890, 1205, 559 and Senate Bill(s) No(s). 1673.

The Committee also set the following bill(s) on the **Regular Calendar** for **June 4, 2001**: House Bill(s) No(s). 974, 976, Senate Bill(s) No(s). 463, House Bill(s) No(s). 652, 75, 648 and 1650.

CONSENT CALENDAR

Senate Joint Resolution No. 356 -- Memorials, Retirement - Dr. Douglas R. Noble, Director Pink Palace Family of Museums. by *Dixon, *Cohen.

Senate Joint Resolution No. 357 -- Memorials, Congratulations - LaFollette Press. by *McNally, *Williams.

Senate Joint Resolution No. 359 -- Memorials, Academic Achievement - Angela Marie Vu, Salutatorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 360 -- Memorials, Academic Achievement - Reginald McCray, Valedictorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 361 -- Memorials, Academic Achievement - Christopher Eric Paxton, Salutatorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 362 -- Memorials, Academic Achievement - Mominah Usmani, Valedictorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 363 -- Memorials, Academic Achievement - Barbara Gant, Salutatorian, Frayser High School. by *Kyle.

Senate Joint Resolution No. 364 -- Memorials, Academic Achievement - Monica Balon Harper, Valedictorian, Frayser High School. by *Kyle.

Senate Joint Resolution No. 365 -- Memorials, Death - Reverend John Allison. by *Henry, *Haynes.

Senate Joint Resolution No. 366 -- Memorials, Recognition - Frist Center for Visual Arts. by *Harper, *Henry, *Haynes, *Graves, *Williams.

Senate Joint Resolution No. 367 -- Memorials, Professional Achievement - Ms. Cindy Catignani, Metropolitan Davidson County "Teacher of the Year". by *Haynes, *Haynes.

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Senate Joint Resolution No. 368 -- Memorials, Professional Achievement - Dr. Garry Duane Speich, pastor of Hermitage United Methodist Church. by *Haynes, *Haynes.

Senate Joint Resolution No. 369 -- Memorials, Academic Achievement - Matthew Evers, Valedictorian, South Fulton High School. by *Herron.

Senate Joint Resolution No. 370 -- Memorials, Academic Achievement - Erin Renee Mathis, Valedictorian, Gleason High School. by *Herron.

Senate Joint Resolution No. 371 -- Memorials, Academic Achievement - Tonya Renee Doster, Salutatorian, Gleason High School. by *Herron.

Senate Joint Resolution No. 372 -- Memorials, Academic Achievement - Robert E. Lee Gordon, III, Salutatorian, South Fulton High School. by *Herron.

Senate Joint Resolution No. 373 -- Memorials, Academic Achievement - Ashley Owens, Valedictorian, South Fulton High School. by *Herron.

Senate Joint Resolution No. 374 -- Memorials, Death - William Guy Button. by *Herron.

Senate Joint Resolution No. 381 -- Memorials, Academic Achievement - Blake Campbell, graduation from Riverside High School. by *Jackson.

Senate Joint Resolution No. 382 -- Memorials, Retirement - Jim Travis, WSMV-TV Channel 4 Political Correspondent. by *Jackson, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

House Bill No. 2022 -- Humboldt - Subject to local approval, rewrites city charter. Amends Chapter 77 of the Private Acts of 1913. by *Phelan. (SB1985 by *Carter)

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 884 -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Head, *Newton, *Langster. (*SB1471 by *Haun)

Further consideration of House Bill No. 884 previously considered on May 24, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 884 was moved down 5 places on the Calendar.

***House Bill No. 295** -- Taxes - Authorizes counties to impose local option realty transfer tax. Amends TCA Title 67, Chapter 4, Part 5. by *Head, *Fitzhugh. (SB1235 by *Cooper J)

Further consideration of House Bill No. 295 previously considered on May 9, 2001, May 17, 2001 and May 24, 2001, at which time it was reset for today's Calendar.

Rep. Rinks moved that House Bill No. 295 be reset for the Regular Calendar on June 7, 2001, which motion prevailed.

House Bill No. 1599 -- Education - Limits age ranges of instructional groups to range not to exceed 36 months for special education purposes; requires state board of education to set class size standards and case load standards for instructional personnel; severity of disability shall be weighing factor. Amends TCA Section 49-6-3110 and Section 49-1-104. by *McDonald, *Davis (Cocke), *Sands, *Shepard, *Shaw, *Hood, *Towns, *Winningham. (*SB733 by *Graves)

On motion, House Bill No. 1599 was made to conform with **Senate Bill No. 733**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 733 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Bunch moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 733 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. McDonald moved that **Senate Bill No. 733**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

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***Senate Bill No. 987** -- Fiscal Review Committee - Requires staff of fiscal review committee to prepare statement for each general bill that mandates coverage of health insurance benefits; statement to include cost impact to individual policy holder or enrollee in managed health care plan and insurer, stating reasons if no estimate can be given. Amends TCA Title 3, Chapter 2, Part 1. by *Kurita. (HB1255 by *Head, *Newton)

Further consideration of Senate Bill No. 987 previously considered on May 14, 2001 and May 23, 2001, at which time the bill reset for today's Calendar. The bill was also considered on May 16, 2001, at which time the House adopted Amendment(s) No(s). 1.

On motion, Senate Bill No. 987 was moved down 5 places on the Calendar.

***House Bill No. 147** -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by *Odom. (SB667 by *Jackson)

Further consideration of House Bill No. 147 previously considered on May 23, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 147 was made to conform with **Senate Bill No. 667**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 667 be passed on third and final consideration.

Rep. U. Jones moved to withdraw State and Local Government Committee Amendment No. 1.

On motion, Senate Bill No. 667 was moved down 5 places on the Calendar.

***House Bill No. 573** -- Courts, General Sessions - Provides that if there are multiple defendants or plaintiffs in case before general sessions court and one defendant or plaintiff appeals adverse decision, it is considered appeal by all defendants or plaintiffs and all are properly before circuit court. Amends TCA Title 16, Chapter 15 and Title 27, Chapter 5. by *Bunch. (SB857 by *Norris)

Further consideration of House Bill No. 573 previously considered on May 17, 2001 and May 23, 2001, at which time it was reset for today's Calendar.

Rep. Bunch moved that House Bill No. 573 be reset for the Regular Calendar on first Regular Calendar in February 2002, which motion prevailed.

House Bill No. 884 -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Head, *Newton, *Langster. (*SB1471 by *Haun)

Further consideration of House Bill No. 884 previously considered on today's Calendar.

Rep. Newton requested that House Bill No. 884 be moved down 6 places on the Calendar.

Senate Bill No. 1789 -- Aged Persons - Revises duties of commission on aging to include services to disabled persons; increases membership of commission to include executive director of Tennessee Developmental Council. Amends TCA Title 71, Chapter 2. by *Harper, *Trail, *Burchett, *Burks. (*HB1624 by *Kernell, *Cooper B, *Pruitt, *Patton, *Odom, *Davis (Washington), *Montgomery, *Bowers, *Arriola)

Further consideration of Senate Bill No. 1789 previously considered on May 16, 2001 and May 23, 2001, at which time it was reset for today's Calendar.

Rep. Kernell moved that Senate Bill No. 1789 be passed on third and final consideration.

Rep. Bowers moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1789 By adding the following as a new subsection (c) to the amendatory language of Section 6:

(c) Nothing in this act or title 71, chapter 5, part 14, shall authorize the commission to exercise any control or authority over any aspect of the administration of programs for home and community based long-term care that are operating on the basis of federal waivers in effect on the effective date of this act.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1789 By adding the following as a new, appropriately designated section:

SECTION ___, Tennessee Code Annotated, Title 71, Chapter 2, Part 1, is amended by adding the following new section:

Section 71-2-112. (a) The commission on aging and disability shall require its contractors, grantees, and subcontractors to verify individual background information for newly-hired employees and volunteers who provide direct care for, have direct contact with, or have direct responsibility for the safety and care of disabled or elderly persons in their homes.

(b) The commission on aging and disability shall promulgate rules which develop standard procedures specifying minimum requirements applicable to verifying individual background information or performing a criminal history background check of all paid or volunteer in-home care providers for vulnerable elderly and disabled persons. The commission is expressly authorized to promulgate such rules as public necessity rules pursuant to section 4-5-209(a)(4) to provide an immediate effective date.

(c) If the criminal history background check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, it shall be conducted by the submission of fingerprint cards to the Tennessee bureau of investigation or the federal bureau of investigation. Any cost incurred by the Tennessee bureau of investigation or the federal bureau of investigation shall be paid by the organization requesting such investigation and information. If a criminal history background check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, the payment of such costs shall be made in the amounts established by § 38-6-103.

Rep. L. DeBerry requested that Senate Bill No. 1789 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 1749 -- Firearms and Ammunition - Requires TBI to deny attempted purchase of firearm if purchaser is charged with offense that, if convicted, would prohibit person from purchasing firearm and provides procedure whereby TBI is required to reverse such denial. Amends TCA Title 39, Chapter 17, Part 13. by *Turner (Hamilton). (*SB1728 by *Crowe)

Further consideration of House Bill No. 1749 previously considered on May 16, 2001, May 21, 2001 and May 29, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1749 was reset for the Regular Calendar on June 4, 2001, which motion prevailed.

THURSDAY, MAY 31, 2001 – FORTY-FIFTH LEGISLATIVE DAY

***Senate Bill No. 987** -- Fiscal Review Committee - Requires staff of fiscal review committee to prepare statement for each general bill that mandates coverage of health insurance benefits; statement to include cost impact to individual policy holder or enrollee in managed health care plan and insurer, stating reasons if no estimate can be given. Amends TCA Title 3, Chapter 2, Part 1. by *Kurita. (HB1255 by *Head, *Newton)

Further consideration of Senate Bill No. 987 previously considered on today's Calendar.

BILL RE-REFERRED

Rep. Head moved that Senate Bill No. 987 be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 667 -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by *Jackson. (*HB147 by *Odom)

Further consideration of Senate Bill No. 667 previously considered on today's Calendar at which time the House was on the motion to withdraw Amendment(s) No(s). 1.

Rep. Odom requested that Senate Bill No. 667 be moved to the heel of the Supplemental Regular Calendar.

House Bill No. 1590 -- Hospitals and Health Care Facilities - Gives private act hospital authority same exemption as metropolitan hospital authority has from payment of state taxes or fees and from payment of all county and municipal taxes; includes same requirement to pay county and municipal fees; authority may agree to payment of tax equivalents to creating or participating governing authority or entity. by *Rinks. (*SB1624 by *Clabough)

Further consideration of House Bill No. 1590 previously considered on May 24, 2001 and May 29, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1590 was made to conform with **Senate Bill No. 1624**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 1624 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Mumpower moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Fowlkes moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. McCord moved the previous question, which motion prevailed.

THURSDAY, MAY 31, 2001 – FORTY-FIFTH LEGISLATIVE DAY

Rep. Rinks moved that **Senate Bill No. 1624** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	8
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Vincent, Walker, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Chumney, Fowlkes, Johnson, Kernell, Mumpower, Patton, Turner (Davidson), White -- 8.

Representatives present and not voting were: Beavers, Bunch -- 2.

A motion to reconsider was tabled.

***House Bill No. 1375** -- Garnishments and Executions - Prohibits garnishment of payments to state contractors and vendors; requires service of judgment on department commissioner and fiscal officer; voids judgments against state if garnished employee or officer not owed wages. Amends TCA Title 26, Chapter 2, Part 2. by *Kent, *Boyer, *Scroggs. (SB1652 by *Clabough, *Atchley)

Further consideration of House Bill No. 1375 previously considered on May 24, 2001 and May 29, 2001, at which time it was reset for today's Calendar.

Rep. Scroggs moved that House Bill No. 1375 be passed on third and final consideration.

Rep. Buck moved adoption of House Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1375 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 26-2-221 is amended by deleting the section in its entirety and by substituting instead the following:

Garnishment of salaries, wages or other compensation due from the state, or from any county or municipality, to any officer or employee thereof, is permissible. Garnishment of compensation due from the state to contractors or vendors of the state is permissible. However, notwithstanding any other provision of law to the contrary, nothing set forth herein shall be construed to apply to or to allow garnishments of state compensation to contractors or vendors of the state where the state determines that payment of such garnishment would result in an interruption of essential state services. No such officer, employee, contractor, or vendor may validly claim any privilege or immunity in that regard. Such officer, employee, contractor, or vendor shall be entitled to an exemption of the amount of wages, salary or compensation so due as is exempt from levy or garnishment in favor of officers, employees, contractors, or vendors of private corporations in like circumstances.

SECTION 2. Tennessee Code Annotated, Section 26-2-222 is amended by deleting the section in its entirety and by substituting instead the following:

(a) In case of garnishment of officers, employees, contractors, or vendors of the state, garnishment notice may issue from any court or any court of record and shall be served upon the fiscal officer in the department in which the garnisheed officer, employee, contractor, or vendor works, and also upon the commissioner of that department in which such officer, employee, contractor, or vendor shall be engaged, or with which he or she is connected. The date of service shall be the date upon which service upon both the commissioner and fiscal officer has been accomplished. If such garnishment is not served as set forth above, such service shall be considered ineffective, and the state shall not be liable for any sums due thereunder. Such fiscal officer is directed to make answer to such garnishment notice or summons, stating the compensation, if any, due any state officer, employee, contractor, or vendor so garnisheed. Notwithstanding any provision of law to the contrary, the state shall have thirty-one (31) days to submit such answer to the court. Such fiscal officer is directed to withhold any amounts then due the state officer, employee, contractor, or vendor up to and including the amount of the judgment and costs on which the garnishment proceedings were predicated, until the garnishment is released by the issuing court or such funds are paid into that court, as provided by law, and is directed to pay to such officer, employee, contractor, or vendor any amount or sum which may be due such officer, employee, contractor, or vendor above the amount of such judgment and costs, of if applicable, above the amount of each periodic payment made from successive pay periods. In addition to the amount of the disposable earnings subject to garnishment, the department of finance and administration shall be entitled to retain a five dollar (\$5.00) administrative fee from amounts due the judgment debtor for each payment made to the court. The time at which the garnishment lien attaches to the amounts due the state officer, employee, contractor, or vendor shall be seven (7) business days from the date of service of the garnishment.

(b) If the fiscal officer in the department in which the officer, employee, contractor, or vendor works, or the fiscal officer's duly authorized agent or attorney, fails to appear and answer such garnishment, it shall be presumed that the state is indebted to the officer, employee, contractor, or vendor to the full amount of the judgment creditor's demand, and thereupon a conditional judgment may be entered against the state for the full judgment amount.

(c) After the entry of such conditional judgment a scire facias shall issue to the fiscal officer and to the commissioner of the department in which the garnisheed officer, employee, contractor, or vendor works, returnable to the next term of the court or to a day and place fixed by the court, to show cause why final judgment should not be entered against the state.

(d) Upon the return of such scire facias, fully served upon the fiscal officer and the commissioner of the department in which the garnisheed officer, employee, contractor, or vendor works, and upon the failure of the state to appear and show cause, the conditional judgment against the state shall be made final. In such event, the fiscal officer is directed to pay any such judgment and deduct the amount thereof from wages, salaries, or other compensation owing to such officer, employee, contractor, or vendor garnisheed under this part. Notwithstanding the foregoing, in any case in which judgment is obtained under the provisions of this section, if there is no compensation due such officer, employee, contractor, or vendor so garnisheed, such judgment against the state shall be void and unenforceable.

(e) Any process required to be served under this section may be served, pursuant to the Rules of Civil Procedure, by a private process server.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall be effective upon becoming a law, the public welfare requiring it.

On motion, House Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck requested that Amendment No. 2 be placed at the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1375 By deleting from subsection (b) of Section 2, as amended, the language "for the full judgment amount" and by substituting instead the language "for the judgment to the extent of the garnishable funds paid out by the state which were due the debtor during the period the garnishment was effective".

On motion, Amendment No. 3 was adopted.

Rep. Bunch moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1375 by deleting the last sentence of subsection (a) of the amendatory language of SECTION 2 and substituting instead the following:

The time at which the garnishment lien attaches to the amounts due the state officer, employee, contractor, or vendor shall be the same time as provided by law for other garnishments of the same type.

Rep. Bunch moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Buck moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Scroggs moved that **House Bill No. 1375**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	3
Present and not voting	1

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Arriola, Brooks, Garrett -- 3.

Representatives present and not voting were: Hargrove -- 1.

A motion to reconsider was tabled.

House Bill No. 884 -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Head, *Newton, *Langster. (*SB1471 by *Haun)

Further consideration of House Bill No. 884 previously considered on today's Calendar.

Rep. Head requested that House Bill No. 884 be moved to the heel of the Supplemental Regular Calendar.

Senate Bill No. 1672 -- Labor - Classifies child labor law violations in regard to minor under age 14 and youth peddling as Class D felonies; authorizes fine of \$1,000 to \$10,000 for hiring minor under 14; removes baptismal certificate as proof of age for minor in employment. by *Clabough, *Atchley. (*HB1395 by *Baird, *McDaniel)

Further consideration of Senate Bill No. 1672 previously considered on May 17, 2001 and May 29, 2001, at which time the bill was reset for today's Calendar. The bill was also considered on May 23, 2001, at which time the House adopted Amendment(s) No(s). 1 and withdrew Amendment(s) No(s). 2.

Rep. Baird moved that Senate Bill No. 1672, as amended, be passed on third and final consideration.

Rep. West moved the previous question, which motion prevailed.

Rep. Baird moved that **Senate Bill No. 1672**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: DeBerry L, Kernell -- 2.

A motion to reconsider was tabled.

THURSDAY, MAY 31, 2001 – FORTY-FIFTH LEGISLATIVE DAY

House Bill No. 2017 -- Jackson - Subject to local approval, creates Jackson Energy Authority. Amends Chapter 407 of the Acts of 1909. by *Kisber, *Shaw. (SB1982 by *Carter)

Further consideration of House Bill No. 2017 previously considered on May 29, 2001, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Kisber moved that House Bill No. 2017 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2017 by adding to the end of Section 4(5) of the printed bill the following:

and provided, further, notwithstanding the foregoing, the authority is empowered to sell propane gas only within the boundaries of Madison County, Tennessee and only to persons outside the boundaries of Madison County being provided propane gas service by Jackson Utility Division on May 1, 2001;

AND FURTHER AMEND by deleting the last sentence of Section 37 of the printed bill and by substituting instead the following language:

For all other purposes, it shall become effective on July 1, 2001.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 2017**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Davidson) -- 1.

A motion to reconsider was tabled.

SPECIAL ORDER

Without objection, the House took up the Supplemental Regular Calendar, which motion prevailed.

SUPPLEMENTAL REGULAR CALENDAR

***House Bill No. 2006** -- Taxes - Authorizes additional 2 percent rental car tax in any county that is building or modifying arena for National Basketball Association team. Amends TCA Title 67, Chapter 4, Part 19, by *Bowers. (SB1973 by *Ford J)

On motion, House Bill No. 2006 was made to conform with **Senate Bill No. 1973**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 1973 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1973 by deleting the amendatory Section 67-4-1907(a) from Section 1 of the printed bill and by substituting instead the following:
67-4-1907.

(a) In addition to the state tax provided in Section 67-4-1901, any county that meets the requirements of subsection (d) of this section is authorized to levy a surcharge or tax of two percent (2%) of the gross proceeds derived from the lease or rental of any passenger motor vehicle, truck or trailer for periods of thirty-one (31) days or less; provided, that such surcharge or tax shall not apply to an automobile rented by an insurance company as a replacement vehicle for a policy holder or by a business that rents a truck or trailer for the purpose of transporting goods, or by any individual or business that rents a vehicle as a replacement while the renter's vehicle is being repaired, replaced or serviced; provided further, that the individual presents to the renter upon return of the rented vehicle a copy of the repair or service invoice or signs a statement under penalty of perjury that the lease or rental of the vehicle is used as a replacement for a vehicle that is being repaired, replaced, or serviced. The surcharge or tax shall not apply to any vehicle rental transaction in which an entity whose principal business activity is the sale and service of new and used motor vehicles is a party. This surcharge or tax shall apply to the gross proceeds from the rental agreement, excluding any sales taxes imposed by chapter 6 of this title. The surcharge or tax shall be subject to the exemptions provided in Section 67-4-1906. The surcharge or tax shall not be subject to the credit provided in Section 67-4-1903 and shall be implemented consistent with the existing tax policies and procedures of the department of revenue.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

THURSDAY, MAY 31, 2001 – FORTY-FIFTH LEGISLATIVE DAY

Rep. U. Jones moved the previous question, which motion prevailed.

Rep. Bowers moved that **Senate Bill No. 1973**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	10
Present and not voting	8

Representatives voting aye were: Armstrong, Bittle, Bone, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Harwell, Head, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Williams, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Arriola, Beavers, Chumney, Dunn, Hargett, Hargrove, Hood, Kernell, Odom, Windle -- 10.

Representatives present and not voting were: Baird, Black, Brooks, Bunch, Jones S, McDonald, Rowland, Stanley -- 8.

A motion to reconsider was tabled.

House Bill No. 1184 -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by *Sands, *Buck, *McMillan, *Briley, *Newton, *Boyer, *Scroggs. (*SB1347 by *Haynes)

Rep. Sands moved that House Bill No. 1184 be passed on third and final consideration.

Rep. Buck requested that House Judiciary Committee Amendment No. 1 be placed at the heel of the Amendments.

CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1184 by deleting all language after the enacting clause and by substituting instead the following:

THURSDAY, MAY 31, 2001 – FORTY-FIFTH LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 29-20-403, is amended by deleting the final sentence of subsection (b)(2)(A) and substituting instead the following:

The provisions of this subdivision apply to any action arising on or after July 1, 1987 but before July 1, 2002; and

SECTION 2. Tennessee Code Annotated, Section 29-20-403, is further amended by adding the following new subsection (b)(3):

(3) Minimum limits of not less than two hundred fifty thousand dollars (\$250,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than six hundred thousand dollars (\$600,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and eighty-five thousand dollars (\$85,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subsection shall apply to any action arising on or after July 1, 2002.

SECTION 3. (a) There is created a commission to design, develop and implement a Catastrophic Injuries Fund for the purpose of compensating certain specified persons in an amount in excess of the governmental tort liability limits for injuries or death caused by the actions of an employee of a governmental entity. Such Commission shall consist of the following members:

(1) Three (3) members who represent the interests of persons injured by the actions of employees of governmental entities to be appointed jointly by the speaker of the senate and the speaker of the house of representatives;

(2) Three (3) members who represent the interests of governmental entities to be appointed jointly by the speaker of the senate and the speaker of the house of representatives;

(3) The comptroller of the treasury or the comptroller's designee;

(4) The state treasurer or the treasurer's designee; and

(5) The chair of the senate and house of representatives state and local government committees and judiciary committees, or such chair's designees, who shall be ex officio non voting members of the commission.

(b) The Catastrophic Injuries Fund Commission shall design, develop and propose legislation to enact and implement such fund by July 1, 2006.

SECTION 4. (a) If the Catastrophic Injuries Fund is not implemented and in effect by July 1, 2006, the provisions of this section shall become effective.

(b) By March 1, 2007, the state treasurer shall calculate the percent of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics and the average medical price index between those figures for calendar year 2006 and calendar year 2005. Upon arriving at the average percentage of change for both such indices, the treasurer shall add these two numbers and divide the sum by two.

(c) The number arrived at by performing the calculation set out in subsection (b) of this section shall be the annual adjustment factor and shall constitute the percentage by which the governmental tort liability limits set out in § 29-20-403(b)(3) shall be increased or decreased for any cause of action arising on or after July 1, 2007.

(d) Upon determining the adjustment factor, the treasurer shall, by April 1, 2007, publicly announce the percentage by which the governmental tort liability limits set out in § 29-20-403(b)(3) will be increased or decreased and that such increases or decreases will be in effect for any cause of action arising on or after July 1, 2007.

(e) Each succeeding March 1 that a Catastrophic Injuries Fund is not implemented and in effect, the treasurer shall calculate a similar adjustment factor, based upon the percentage of change in the average consumer price index and the average medical price index between the two (2) successive calendar years preceding March 1 of the year in which the adjustment is made. On the July 1 next following the March 1 on which the adjustment factor is calculated, the governmental tort liability limits set out in § 29-20-403(b)(3), as adjusted, shall be further adjusted by the percentage required by the annual adjustment factor and such adjusted limits shall be in effect for all causes of actions arising on or after July 1 of that year.

(f) Any additional governmental tort liability adjustments required pursuant to the provisions of subsection (e) and the effective date of such adjustments shall be publicly announced on April 1 of that year in the same manner provided in subsection (d) for the initial adjustment.

(g) Notwithstanding the adjustment factor calculation for any given year, the governmental tort liability limits set out in § 29-20-403(b)(3) shall not be increased by more than seven and one-half percent (7.5%) for any one year.

(h) If at any time a Catastrophic Injuries Fund is implemented and becomes effective, the provisions of this section shall no longer be effective, no more annual adjustment factor calculations shall be made and the governmental tort liability limits set out in § 29-20-403(b)(3) shall remain at the limits in place on the date the Catastrophic Injuries Fund is implemented and becomes effective.

SECTION 5. For the purposes of appointing the members of the Catastrophic Injuries Fund Commission, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2001, the public welfare requiring it.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

Rep. Towns moved the previous question on Amendment No. 2, which motion prevailed.

Rep. Buck moved adoption of Amendment No. 2, which motion prevailed by the following vote:

Ayes	52
Noes	42
Present and not voting	1

Representatives voting aye were: Arriola, Beavers, Black, Bone, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Fowlkes, Givens, Godsey, Goins, Hargett, Harwell, Johnson, Jones S, Jones U, Kernell, Langster, McDonald, McMillan, Miller, Newton, Odom, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Scroggs, Shaw, Shepard, Stanley, Towns, Turner (Shelby), Turner (Davidson), Williams, Windle, Winningham, Mr. Speaker Naifeh -- 52.

Representatives voting no were: Armstrong, Baird, Bittle, Bowers, Boyer, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Davis (Washington), Davis (Cocke), Ford, Garrett, Hagood, Hargrove, Head, Hood, Kent, Kisber, Maddox, McCord, McDaniel, McKee, Montgomery, Mumpower, Overbey, Patton, Phelan, Phillips, Rhinehart, Sargent, Sharp, Tidwell, Tindell, Vincent, Walker, West, Westmoreland, White, Whitson, Wood -- 42.

Representatives present and not voting were: Fraley -- 1.

A motion to reconsider was tabled.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1184 by adding the following new sentence to the end of the effective date section:

Notwithstanding the provisions of this section, the provisions of this act shall not take effect unless House Bill 1555/Senate Bill 1013 relative to the definition of a health care practitioner for purposes of the governmental tort liability act is also enacted and becomes effective.

SPECIAL ORDER

Rep. Rhinehart moved that House Bill No. 1184 be reset for the Regular Calendar on July 12, 2001.

Rep. Buck moved to table the motion to reset House Bill No. 1184 to the Regular Calendar on July 12, 2001, which motion failed by the following vote:

Ayes	40
Noes	53

Representatives voting aye were: Arriola, Beavers, Black, Bone, Briley, Brooks, Buck, Caldwell, Chumney, Cooper, Curtiss, Davidson, Fowlkes, Godsey, Goins, Harwell, Johnson, Jones S, Jones U, Kernell, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Pruitt, Ridgeway, Sands, Scroggs, Shepard, Todd, Towns, Turner (Davidson), West, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 40.

Representatives voting no were: Armstrong, Baird, Bittle, Boyer, Brown, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Hagood, Hargett, Hargrove, Hood, Kent, Kisber, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pleasant, Rhinehart, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Stanley, Tidwell, Tindell, Turner (Shelby), Vincent, Walker, Westmoreland, White, Whitson, Wood -- 53.

SPECIAL ORDER

Rep. Rhinehart moved that House Bill No. 1184 be reset for the Regular Calendar on July 12, 2001, which motion failed by the following vote:

Ayes	43
Noes	48

Representatives voting aye were: Armstrong, Bittle, Bowers, Boyer, Brown, Buttry, Clem, Cole (Carter), Cole (Dyer), Davis (Washington), Davis (Cocke), Dunn, Ferguson, Ford, Fraley, Garrett, Hargrove, Head, Hood, Kent, Kisber, McCord, McDaniel, McKee, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Rhinehart, Rinks, Roach, Sargent, Sharp, Shaw, Tidwell, Turner (Shelby), Vincent, Walker, Westmoreland, Whitson, Wood -- 43.

Representatives voting no were: Arriola, Baird, Beavers, Black, Bone, Briley, Brooks, Buck, Caldwell, Chumney, Cooper, Curtiss, Davidson, DeBerry J, Fowlkes, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Johnson, Jones S, Jones U, Kernell, Langster, Maddox, McDonald, McMillan, Miller, Montgomery, Odom, Pleasant, Pruitt, Ridgeway, Rowland, Sands, Scroggs, Shepard, Stanley, Todd, Towns, Turner (Davidson), West, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 48.

Rep. Odom moved the previous question on Amendment No. 3, which motion prevailed.

On motion, Amendment No. 3 was adopted.

THURSDAY, MAY 31, 2001 – FORTY-FIFTH LEGISLATIVE DAY

Rep. Odom moved the previous question, which motion failed by the following vote:

Ayes	48
Noes	45
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brooks, Buck, Caldwell, Chumney, Clem, Cooper, Curtiss, Davidson, Ferguson, Fowlkes, Givens, Harwell, Hood, Johnson, Jones S, Jones U, Langster, Lewis, McDonald, McMillan, Miller, Odom, Phelan, Pleasant, Pruitt, Ridgeway, Rowland, Sands, Scroggs, Shaw, Shepard, Stanley, Todd, Towns, Turner (Davidson), Vincent, West, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 48.

Representatives voting no were: Armstrong, Bittle, Bowers, Brown, Bunch, Buttry, Cole (Carter), Cole (Dyer), Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Fitzhugh, Ford, Fraley, Garrett, Goins, Hagood, Hargett, Hargrove, Kent, Kisber, Maddox, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Phillips, Rhinehart, Rinks, Roach, Sargent, Sharp, Tidwell, Tindell, Turner (Shelby), Walker, Westmoreland, Whitson, Wood -- 45.

Representatives present and not voting were: Kernell -- 1.

Rep. Rhinehart moved that House Bill No. 1184 be reset for the Regular Calendar on June 4, 2001, which motion prevailed.

BILL RECALL

Rep. L. DeBerry requested that House Bill No. 991 be recalled from the Governor's desk, which motion prevailed.

RULES SUSPENDED

Rep. Kent moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 399 out of order, which motion prevailed.

Senate Joint Resolution No. 399 -- Memorials, Personal Achievement - Michael Roper. by *Person, *Cohen, *Dixon, *Kyle, *Norris, *Person.

On motion of Rep. Kent, the resolution was concurred in.

A motion to reconsider was tabled.

MOTION TO RESET BILLS

Rep. Davidson moved that all remaining bills set on today's Calendars be reset for the Calendars on Monday, June 4, 2001, which motion prevailed.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1088; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

SIGNED
May 31, 2001

The Speaker signed the following: Senate Bill(s) No(s). 1088.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1443; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS
May 31, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1618.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1386; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 1386** -- Traffic Safety - Requires truck tractors and semitrailers to operate in right-most lane of interstates and multi-lane divided highways having three or more lanes in each direction with certain exceptions. Amends TCA Title 55, Chapter 8, Part 1. by *Burchett, *Haun. (HB910 by *Hagood, *Bunch)

ENGROSSED BILLS
May 31, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1375, 2017 and 2022.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2017; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1731.

The Senate nonconcurred in House Amendment(s) No(s). 1 and 2.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1618; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 31, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 472, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 31, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 872, 1685, 1738, 1999, 2004; also House Joint Resolution(s) No(s). 28, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 474 and 493; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 288, 779 and 1852; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1735; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS

May 31, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 288, 779, 1443, 1852, 2017, also, House Joint Resolution(s) No(s). 474 and 493.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 31, 2001

The Speaker signed the following: House Bill(s) No(s). 288, 779, 1443, 1852, 2017; also, House Joint Resolution(s) No(s). 474 and 493.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 288, 779, 1443, 1852, 2017; also, House Joint Resolution(s) No(s). 474 and 493; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 31, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 288, 779, 1443, 1852, 2017; also, House Joint Resolution(s) No(s). 474 and 493.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 31, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 92, 569, 1291, 1378, 1624; also, Senate Joint Resolution(s) No(s). 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 381, 382 and 399 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

May 31, 2001

The Speaker signed the following: Senate Bill(s) No(s). 92, 569, 1291, 1378, 1624; also, Senate Joint Resolution(s) No(s). 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 381, 382 and 399.

CONSENT CALENDAR

May 31, 2001

The following local bills have been placed on the Consent Calendar for **June 4, 2001**: House Bill(s) No(s). 2024.

RECESS MOTION

Rep. Davidson moved that the House stand in recess until 4:00 p.m., Monday June 4, 2001, which motion prevailed.